

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PABLO CABRERA,

Plaintiff,

v.

DR. JANSSEN WILLIAMS and
CORRECTIONAL MEDICAL
SERVICES,

Defendants.

4:05CV3121

**MEMORANDUM
AND ORDER**

This 42 U.S.C. § 1983 case began as a pro se matter. After the court denied several of Plaintiff's motions to appoint counsel, Plaintiff retained counsel. Retained counsel entered her appearance (filings [77](#), [78](#)), and the case was removed from the pro se docket. Later, Plaintiff's retained counsel moved to be designated as appointed counsel for many reasons, including "the family and friends that have pledged financial assistance to the attorneys have been unable to pay anything to the attorneys." (Filings [92](#), [95](#), [96](#).) The court granted the motion on May 29, 2008. (Filing [97](#).) Two business days following the appointment of counsel, Defendants filed a motion for summary judgment, as well as evidence and a brief in support of the motion. (Filings [99](#), [100](#), [101](#).) Plaintiff's appointed counsel has not responded to the motion as of this date.

Accordingly, on the court's own motion, Plaintiff's appointed counsel shall be granted an additional 20 days within which to respond to Defendants' motion for summary judgment, in the absence of which this matter shall be considered submitted for decision.

IT IS ORDERED:

1. Plaintiff's appointed counsel shall file a response to Defendants' motion for summary judgment (filing 99) on or before July 30, 2008, in the absence of which this matter shall be deemed submitted for decision.

2. Defendants shall have five business days after Plaintiff files and serves his opposing brief and evidence to reply to Plaintiff's response, if desired.

3. The Clerk of the United States District Court for the District of Nebraska shall adjust the "response due" date for Defendants' motion for summary judgment (filing 99) in the court's internal record-keeping system.

4. The court's prior scheduling order (filing 87) is amended as follows: the **final pretrial order** shall be submitted to Magistrate Judge Piester on or before **September 2, 2008**; the **final pretrial conference** with counsel shall be held before Magistrate Judge Piester by telephone conference call initiated by Plaintiff's counsel on **September 8, 2008, at 10:00 a.m.**; and **jury trial** shall commence at **9:00 a.m. on September 22, 2008**, for a duration of three trial days before the undersigned United States district judge.

5. The Clerk of Court shall ensure that this order is successfully transmitted electronically to Plaintiff's appointed counsel.

July 10, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge